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SECTION B

CITY & STATE

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Law banning drinking on streets struck down

By Sylvia Martinez
American-Statesman Staff

A city law prohibiting the consumption of alcoholic beverages on downtown streets and sidewalks — passed in July 1990 against the advice of the city attorney — has been declared unconstitutional by a municipal court judge.

In making her ruling, Municipal Court Judge Pam Lancaster also dismissed a misdemeanor case against Fountain E. Stitt, a construction worker who was cited in August for drinking alcohol on a public street.

"The court is of the opinion that the city has attempted to make illegal an activity which it is prohibited from regulating," Lancaster wrote in her order. "That the city is prohibited is clearly stated in the Texas Constitution and the Texas Alcoholic Beverage Code" — a legal point of which the "council has been advised on . . . many times."

City Attorney Iris Jones, who advised the council against adopting such an ordinance, said the ruling came as no surprise.

"The bottom line is the TABC has exclusive jurisdiction over the regulation of alcohol," Jones said. "They're empowered by state law to regulate in that area. The Texas Constitution says no law should be passed that preempts state law . . ."

The ruling, she said, leaves the city with two options: The council can take action to appeal the ordinance or let the ruling stand and not have it enforced by the police department.

"We won't be enforcing the ordinance anymore," Deputy Chief Ken Muennink said Tuesday. "As soon as the word got out (that it was declared unconstitutional) we stopped enforcing it."

Mayor Bruce Todd said he, too, was not surprised by the ruling.

"The prior council's goal was admirable, but the methods were less than successful," he said.

Todd said the city could pursue a third option — seeking a legislative remedy. "I certainly think we ought to protect our rights as best we can."

But Council Member Bob Larson isn't impressed with Lancaster's ruling.

"Maybe I missed something, but I hadn't realized that Pam Lancaster had been appointed to the Supreme Court," Larson said. "Her opinion means nothing. Her opinion carries no weight. She's not a Supreme Court justice."

Lancaster could not be reached for comment.

Stitt's lawyer, Walter Splawn, said he was pleased with the ruling.

"The problem that we have with the ordinance is simply that you are taking a particular element of the society of Austin — namely those who go out at night, eat, drink and be merry — and are discriminating against it," he said. "I have no quarrel with the council or

See Law, B12

Police save Christmas from thieves

By Kerry Haglund
American-Statesman Staff

The grinches who stole Christmas from one Austin family by carting off the family's presents didn't make it far before they encountered three wise men who were wearing blue.

Cathy Richardson thought she'd be facing a bleak Christmas after her home was burglarized Dec. 9. But an alert neighbor and three veteran police officers saved the day.

The family's Christmas presents — along with their television, videocassette recorder and jewelry — were taken by three people from Richardson's South Austin home.

A neighbor watched as the gifts were taken and quickly called police. Officers spotted the car nearby and arrested two men and a 14-year-old girl. The presents, still wrapped, were in the vehicle.

Burglary charges have been filed against the men, and the girl was referred to juvenile authorities.

"I was bragging at work about getting my shopping done early this year," said Richardson, who had placed the gifts for her two daughters, ages 6 and 10, under the tree.

"I got robbed two years ago at Christmas and didn't get anything back, so I know how fortunate I am," Richardson said.

So as thanks, Richardson baked her neighbor a cake and wrote a letter thanking the police.

Senior Sgt. Frank Miller, the officers' supervisor, got the letter on Christmas Eve and was feeling especially proud.

"Officer Mike Roberts spotted the car and was assisted by officers Jack Hinkle and Joe Reyes. We had a rough description of the vehicle and saturated the area and picked them up. It was just good police work."

A thoughtful neighbor and three helpful public servants will make this a Christmas to remember, Richardson said.

Staff photo by David Kennedy

Gov. Ann Richards was among the church volunteers serving a Christmas meal for the homeless Tuesday at Westlake Hills Presbyterian Church.

Churches serve holiday meal to homeless

By David Elliot
American-Statesman Capitol Staff

Fewer homeless people wandered downtown Austin streets during lunch hour Tuesday.

Instead, hundreds of this community's most destitute citizens were bused to a church in West Lake Hills, where they crammed into a gymnasium and received haircuts, medical care and a Christmas Eve meal with all the trimmings, including cranberry sauce.

Each Tuesday, area churches take turns feeding the homeless and offering clothes, medical care and showers. The meals are always served in the gymnasium at Westlake Hills Presbyterian Church on Bee Caves Road, but eight churches take turns organizing the event.

On Christmas Eve, it was the First United Methodist Church's turn to help out, and Pastor John Gilbert brought along one of his best-known parishioners to help serve a special dinner: Gov. Ann Richards.

As a church choir sang *The 12 Days of Christmas*, Richards ladled food onto plates and later discussed the meaning of Christmas with other visitors.

"The spirit of Christmas is what's important," Richards said. "You get a lot more back from this than you give."

Gilbert said that despite the holiday atmosphere, it is sad to see so many impoverished people.

"It's very, very sad," he said. "And it's sad every Tuesday morning to see them. But it's especially sad on Christmas Eve.

"It's sad that we have to do this," he continued. "I wish the economy could bring these marginal people into the full system. That's the goal. That's the hope. That's the dream."

Encouraging goals, hopes and dreams at Tuesday's holiday dinner was former Dallas Cowboy Thomas "Hollywood" Henderson, who was handing $2 to every homeless person and offering them "the gentle suggestion that if they stay sober, their lives will change."

The 200 or so homeless people who showed up are but a fraction of Austin's estimated homeless population. A 1986 University of Texas Hogg Foundation study put the number of homeless Austinites at 3,000; other estimates range as high as 6,000.

Richard Troxell, director of legal aid for the homeless for the Legal Aid Society of Central Texas, said he has found 89 "major" camps where homeless people stay in Austin.

For these people, and for the people who attended Tuesday's dinner, Christmas will be even sadder than most days, Troxell said.

"For the homeless, it is the worst time of the year, the loneliest time of the year," Troxell said.

"What happens is you have a nice meal, but then for days, the services are shut down."

Nationwide, Troxell said, there are 3 million homeless Americans. And a Massachusetts Institute of Technology study says that barring any change in federal policy, there will be 19.1 million homeless Americans by 2000.

"I am becoming terrified that we are going to accept this as part of the fiber of our country," Troxell said.

Nonetheless, Tuesday's dinner, organized by volunteers, offered at least a glimmer of help for those in attendance.

"Human beings need warmth and love, no matter what their circumstance," Richards said. "Some of these people here today — most of them — are here because they don't have any choice. And so while we try with government programs to do what we can, it's more important for them to see us and know that we care."

Council far from Barnett accord

By Sylvia Martinez
American-Statesman Staff

Although City Council members have spent seven hours discussing City Manager Camille Barnett's performance, they are no closer to agreeing on her future than they were before two closed-door sessions.

Neither do they agree on what the two meetings have accomplished.

While some council members say that after hearing testimony from two witnesses Monday night they are now convinced Barnett directed Assistant City Manager Joe Lessard to subvert the will of the council, others say that's a matter of interpretation.

"A lot of what was discussed (Monday) night was taken out of context," said Council Member Gus Garcia. "It would have been premature to take a vote on this."

As a result, council members emerged from a five-hour session late Monday with neither a vote of confidence nor a vote calling for her dismissal or a reprimand.

Although he had support for a vote of confidence for Barnett, Mayor Bruce Todd said he decided against pushing the issue.

"In all likelihood it would have passed, but the council needs to be united in its actions as much as humanly possible when it takes public action concerning the city manager, whether it be positive or negative," he said. "And to press for a vote — even a winning vote — seems somewhat inappropriate without a united council."

Although he wants new management, Council Member Bob Larson said, "I didn't push for a vote, because I wouldn't have won."

"It was apparent that no one was going to change their minds no matter what was said, no matter how damaging the evidence," he said. "The city manager is being

See City, B13

Losing some of a limited store of really good words

Billy Porterfield

Someone has to play Scrooge at Christmas, so here goes.

This computer I'm feeding words is for the birds, I yearn for the old typewriter. Not the electric. The plugged-in hummer, which sounded like a very regressively excited cat, depended upon power beyond your control, like Reddy Kilowatt cutting himself off because you were late on the juice bill. No, I want to go back to the mechanical typewriter, pokey and primitive as it was. It never crashed. Your fingers got tired, the type might jam, and the tape might smear and wear, but it took no rocket scientist to fix it yourself. The machine was dependable. It gave you back what you put into it.

Oh, I know computerniks will say their baby does exactly that and much more, and of course they are right. It is my fault, not Atex's, that I hit *delete* instead of *define* and lost the graph that was much better than this half-remembered one you're having to read. My old Underwood, on the other hand, was forgiving about human error and gave me a wide margin for mistakes. And no matter how long and how hard I pounded it, even under the drama of electric storms and blackouts, it never crashed.

The recent monsoon played havoc with electric lines and every digital clock this side of Dali, and it was no different here at the paper. "The system is crashing!" someone screams in the newsroom, and a hundred reporters and editors bend over their eerie, green-glowing, maybe-cancer-producing screens and hit the panic button, which even dumb kids know is labeled SAVIT/STORE, which I can't seem to find quickly enough.

STOREing is like hiding candy in a pillow when your mother catches you reading dirty books past your bedtime. Apparently SAVIT/STORE is the only safe place to keep your copy when the robot downstairs goes crazy and starts acting up. I hate the fiend. He's always sending up smart-aleck messages. "No such command," he blinks on the screen. A while ago, he flashed. "System 4's going down."

Now, on my keyboard SAVIT/STORE, half-mispelled as it is, does not stand out all that much. It

See Losing, B12

Holiday closings

GOVERNMENT AGENCIES

City of Austin offices: Closed today and Jan. 1.
Travis County offices: Closed today and Jan. 1.
State offices: Closed today, Thursday and Jan. 1.
Federal offices: Closed today and Jan. 1.

POSTAL SERVICES

Today and Jan. 1 there will be no box or bulk mail service or home delivery. All mail facilities will be closed. Express mail, special delivery and perishables will be delivered.

GARBAGE

Trash/ recycling collection/Austin: No collection today and Jan. 1.
Recycling centers/Austin: Most will be closed today and Jan. 1. Call first.
Travis County landfills: Most will be closed today and Jan. 1. Call first.

CAPITAL METRO

Today and Jan. 1, buses will run on regular Sunday schedule.

BANKS, SAVINGS & LOANS

Closed today and Jan. 1. Some will close early Dec. 31. Call first.

Stepfather of slain teens says city's response has helped families cope

By Chuck Lindell
American-Statesman Staff

It's been only 19 days. The families of four teen-agers slain in a yogurt shop are still grieving, still trying to cope with so sudden a loss.

But from the isolation of their sorrow, they have witnessed a city that is grieving not only for them, but with them. Frank Suraci, stepfather to Jennifer and Sarah Harbison, feels their anguish.

"I'm getting calls," he said. "People come to us expressing grief, sorrow, anger and vengeance — and a great deal of fear. I believe it would help so much if they knew a large number of people are sharing their feelings."

So the families, Suraci said, will begin taking a more public profile to help themselves cope, help the city recover and help catch the criminals.

Jennifer Harbison, 17; her sister, Sarah Harbison, 15; Eliza Thomas, 17; and Amy Ayers, 13, were found dead Dec. 7 at the I Can't Believe It's Yogurt! shop at 2949 W. Anderson Lane.

A police officer had noticed the store on fire shortly before midnight and contacted firefighters. The girls were found inside, tied and shot in the head.

> "We had a tragedy that was impossible to believe or deal with."
> — Frank Suraci, stepfather of two slain teens

"We had a tragedy that was impossible to believe or deal with," Suraci said. "We want to encourage talking, but not about the crime. Obviously, there's nothing to say. Only the police and the criminal know what the inside of the shop looks like."

Instead, efforts will be directed at keeping public awareness of the murders high.

The parents of the teens are working with Project Help Us, a group created to coordinate citizen efforts on the investigation, Suraci said.

At a recent meeting of the group, the parents of the slain girls formed an advisory council and appointed Suraci its spokesman. On behalf of the parents, he issued this statement:

"The parents of Elisa, Amy, Sarah and Jennifer wish to express appreciation to families, friends, students, churches, merchants and communities whose outpouring of sympathy and generosity are providing us a beacon of light on our journey from tragedy to recovery.

"The murders of these teenagers on Dec. 6, 1991, have changed the lives of our citizenry. Let us continue to help each other by: lighting headlamps during the day; displaying white ribbons; volunteering services and resources to Child Inc.; sharing feelings through press releases and letters to the editor; and frequently contacting elected officials."

Project Help Us is cutting white ribbons for car antennas and lapels, copying reward notices and circulating them around town — anything to keep the memory of the girls alive.

Last Friday was only the second time Suraci has ventured out since the slayings. He joined the parents of Ayers and Thomas and a roomful of project volunteers cutting ribbons and making bows.

The activity — just doing *something* — has been beneficial, Suraci said. "I don't doubt that it's

See Slain, B13

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